BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

CHARLES R. PATTON)
Claimant VS.	Docket No. 201 020
WEATHERFORD U.S., INC. Respondent) Docket No. 201,920 }
AND	{
INSURANCE CO. STATE OF PENNSYLVANIA Insurance Carrier	{

ORDER

This matter came before the Appeals Board on the application of the claimant for review of a Preliminary Hearing Order entered by Special Administrative Law Judge Leroy C. Rose, dated November 7, 1995.

ISSUES

Claimant alleges that the Special Administrative Law Judge exceeded his jurisdiction by denying claimant's request for additional medical treatment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After review of the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

Before the Appeals Board has jurisdiction to review a preliminary hearing order, one of the parties has to allege that the Administrative Law Judge either exceeded his jurisdiction pursuant to K.S.A. 44-551(b)(2)(A), as amended by S.B. 59, (1995), or one of the jurisdictional issues listed in K.S.A. 44-534a(a)(2) has to be raised.

The respondent voluntarily provided medical treatment for an injury to claimant's left lower extremity which occurred in a work-related accident while employed by the respondent on December 18, 1994. Dr. Pedro A. Murati of Wichita, Kansas, treated the claimant and released him to return to work for the respondent on May 15, 1995 with a permanent impairment rating and permanent restrictions. The claimant is now requesting medical treatment for a low back injury that is alleged to have resulted from a mild antalgic gate caused by the left leg injury.

IT IS SO ORDERED.

The Appeals Board finds that the issue raised by the claimant is whether his need for medical treatment for a low back problem is the natural and probable consequence of his original injury. The Appeals Board concludes the natural and probable consequence issue relates to the nature and extent of claimant's injury which is not a jurisdictional issue listed in K.S.A. 44-534a. The jurisdictional issue as to whether claimant's low back injury was work related was not raised or argued by the claimant. The Appeals Board finds that the Special Administrative Law Judge did not exceed his jurisdiction when he denied this request. The Special Administrative Law Judge is specifically given the authority to grant or deny a request for medical compensation in a preliminary hearing order pending a full hearing on the claim. See K.S.A. 44-534a(a)(2). Additionally, the claimant has not raised the jurisdictional issue that is listed in K.S.A. 44-534a(a)(2) that grants Appeals Board review of the Preliminary Hearing Order. Accordingly, the Special Administrative Law Judge did not exceed his jurisdiction in denying the claimant's request for medical treatment.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the claimant is dismissed as the Appeals Board lacks jurisdiction to review the Preliminary Hearing Order of Special Administrative Law Judge Leroy C. Rose that denied the claimant's request for medical treatment.

Dated this day of December 1995.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

c: Steve Brooks, Liberal, Kansas James McVay, Great Bend, Kansas Leroy C. Rose, Special Administrative Law Judge Philip S. Harness, Director